

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 9/4/07 have been fully considered and entered. Claims 1-3, 10-12 and 16-18 have been amended as requested. Applicant's amendments are found sufficient to overcome the obviousness rejections set forth 9 of the Office Action dated 4/4/07. Specifically, the combination of prior art does not teach the limitation of a sheet of paper adhesively laminated to the fastener component as set forth in claim 1. As such, these rejections are hereby withdrawn. However, upon further consideration of Applicant's amendments, the following necessitated new ground of rejection is set forth herein below.

### ***Election/Restrictions***

2. Claims 18-23,29 and 31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/4/07.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 12,16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Shepard et al., WO 00/73063.

The published WO document issued to Shepard et al., teach a hook-engagable knit or non-woven material having a basis weight of less than about 4 ounces adhesively

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laminated to a paper layer (page 2, 1-5, page 3, 1-10 and figure 1C, page 10, 25-33, page 15, 14-30). Said hook and loop material is stabilized with claimed amount of binder set forth in claim 12 in stretched state (page 6, 25-32 and page 2, 10-15). Shepard et al., teach that the surface of the lightweight hook engagable material can be decorated (page 18). Said non-woven/paper laminate is wound on roll (page 24, 1-10). Said non-woven/paper laminate can be employed as decorations or floor coverings (abstract).

With specific regard to claim 3, the recitation of “at least as great as that of 85 pound Kraft paper”, it is the position of the Examiner that such a recitation is not considered a positive limitation in any patentable sense. As such, the Examiner considers the paper taught by Shepard et al., just as stiff as that of 85 lb Kraft paper. If having 85 lb Kraft paper is critical to the novelty of the claimed laminate, then it is suggested that Applicant positively claim 85 lb Kraft paper.

With regard to claims 1 and 16, it is the position of the Examiner that bulk materials such as the laminate formed by Shepard et al., is commonly packaged and stored in roll form for easy transport. The Examiner does not consider any thing particularly novel about providing the laminate material in roll form. With specific regard to the flexible limitation, it is the position of the Examiner that since textiles and paper materials are inherently flexible, the laminate provided by Shepard et al., is considered flexible unless explicitly evidenced otherwise.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 1-3, 10-12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shepard et al., WO 99/11452 in view of Deka et al., US 2002/0019206 A1.

The published patent application issued to Deka et al., teach a colored loop material comprising a nonwoven hook and loop material adhesively laminated to a paper backing layer (sections 0099, 0100, 0052, 0004 and figure 6). Said non-woven material comprises low denier fibers (e.g., 2.8 and 3.5) (section 0058). Said nonwoven hook material is used to form fastening systems in disposable garments and abrasive sheet materials such as sandpaper (section 0001 and 0014). Deka et al., teach providing a printed image on the backing layer (sections 0007 and 0100). Specifically, Deka et al., teach forming a sanding article comprising an abrasive sheet of paper or film adhesively laminated to the surface of a nonwoven hook and loop material (section 0007). Deka et al., fails to teach the claimed hook and loop material set forth in claim 1, however, by Applicant's own admission Shepard teaches the claimed hook-engagable loop material. Specifically, Shepard et al. discloses a light weight nonwoven loop material for hook and loop fasteners. The nonwoven material is stretched and stabilized to produce spaced-apart loop clusters extending from taut fibers (abstract). Binder is added to the nonwoven to stabilize the structure in amount of between 20% and 40% of the total weight of the web (page 2, line 30 -page 3, line 3). The nonwoven material has a basis weight of less than 4 oz/yd<sup>2</sup>, preferably less than 2 oz/yd<sup>2</sup> (pages 1 - 2). The material is produced such that the fabric has tight knot regions made up of fibers between which are low density areas (page 13, line 35 - page 14, line 4). Also, the fabric can be produced by needles to form entanglements (page 22). Shepard et al., teach that the material is suitable for use as

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fastening systems (page 1, 1-20). Shepard et al., teach that the disclosed hook and loop material can be produced less expensively while maintaining structural integrity (page 1, 23-30).

Therefore, motivated by the desire to produce hook and loop fastening system as part of releasably attachable abrasive sheet materials, it would have been obvious to form the abrasive sheet laminate of Deka et al., with the hook and loop material taught by Shepard et al. Specific motivation to employ the hook and loop material of Shepard et al., is found in the desire to reduce production costs.

With regard to claims 1 and 16, it is the position of the Examiner that bulk materials such as the laminate formed by the combination of prior art is commonly packaged and stored in roll form for easy transport. The Examiner does not consider any thing particularly novel about providing the laminate material in roll form. With specific regard to the flexible limitation, it is the position of the Examiner that since textiles, papers and film are inherently flexible, the laminate provided by the combination of prior art is considered flexible unless explicitly evidenced otherwise.

With regard to the limitation of building construction laminate, it is the position of the Examiner that said limitation constitutes an intended use limitation not germane to the final product. Since the combination of prior art meets the structural and/or chemical limitations presently set forth there is nothing on record to evidence that the laminate provided by Deka et al., in view of Shepard et al., could not function as a building construction laminate. Applicant is invited to prove otherwise.

With regard to the claimed percentage of areal stretch, Shepard et al., does not specifically teach the claimed percentage of areal stretch, however, it is the position of

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the Examiner that it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the non-woven material of Shepard et al., with desired areal stretch as function of desired use. It has been held that discovering an optimum value of result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272,205 UPSQ 215

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shepard et al., WO 00/73063.

With regard to the denier and percentage of areal stretch, Shepard et al., does not specifically teach the claimed fiber denier and percentage of areal stretch, however, it is the position of the Examiner that it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the non-woven material of Shepard et al., with fibers of a suitable denier and with desired areal stretch as function of desired use. It has been held that discovering an optimum value of result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272,205 UPSQ 215

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 12, 2007  
/Lynda Salvatore/  
Primary Examiner  
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